

1 SEAN A. LINCOLN (State Bar No. 136387)
2 salincoln@orrick.com
3 I. NEEL CHATTERJEE (State Bar No. 173985)
4 nchatterjee@orrick.com
5 MONTE COOPER (State Bar No. 196746)
6 mcooper@orrick.com
7 THERESA A. SUTTON (State Bar No. 211857)
8 tsutton@orrick.com
9 YVONNE P. GREER (State Bar No. 214072)
10 ygreer@orrick.com
11 ORRICK, HERRINGTON & SUTCLIFFE LLP
12 1000 Marsh Road
13 Menlo Park, CA 94025
14 Telephone: 650-614-7400
15 Facsimile: 650-614-7401

16 Attorneys for Plaintiffs
17 THE FACEBOOK, INC. and MARK ZUCKERBERG

18
19
20
21
22
23
24
25
26
27
28

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN JOSE DIVISION

15 THE FACEBOOK, INC. and MARK
16 ZUCKERBERG,

17 Plaintiffs,

18 v.

19 CONNECTU, INC. (formerly known as
20 CONNECTU, LLC), PACIFIC
NORTHWEST SOFTWARE, INC.,
WINSTON WILLIAMS, WAYNE CHANG,
and DAVID GUCWA,

21 Defendants.

15 Case No. 5:07-CV-01389-RS

16 **DECLARATION OF TINA NAICKER
17 IN SUPPORT OF PLAINTIFFS'
18 RESPONSES TO DEFENDANTS'
19 OBJECTIONS TO EXHIBITS
20 SUBMITTED IN SUPPORT OF
21 PLAINTIFFS' MOTION FOR
22 PARTIAL SUMMARY JUDGMENT**

23 Date: February 27, 2008
24 Time: 9:30 A.M.
25 Judge: Honorable Richard Seeborg

1 I, Tina Naicker, declare as follows:

2 1. I am an associate at the law firm of Orrick, Herrington & Sutcliffe, counsel for
3 Plaintiffs Facebook, Inc. and Mark Zuckerberg in this action, and a member of the Bar of the state
4 of California. I make this declaration in support of Plaintiffs' Responses to Defendants'
5 Objections to Exhibits Submitted in Support of Plaintiffs' Motion for Partial Summary Judgment.
6 I make this declaration of my own personal knowledge and, if called as a witness, I could and
7 would testify competently to the truth of the matters set forth herein.

8 2. Attached hereto as **Exhibit A** is a true and correct copy of Defendant and
9 Counterclaimant TheFacebook, Inc.'s First Request to Plaintiff and Counterdefendant ConnectU
10 LLC for Production of Documents and Things, served in a related action ConnectU v. Facebook
11 Civil Action No. 1:04-cv-13923 (DPW) on April 6, 2005.

12 3. Attached hereto as **Exhibit B** is a true and correct copy of Facebook's Second Set
13 of Requests for Production of Documents to ConnectU, served on October 24, 2006.

14 4. Attached hereto as **Exhibit C** is a true and correct copy of a Notice of Subpoena to
15 iMarc, served in a related action ConnectU v. Facebook Civil Action No. 1:04-cv-13923 (DPW)
16 on September 5, 2006.

17 5. Attached hereto as **Exhibit D** is a true and correct copy of a Subpoena Duces
18 Tecum for Documents and Videotape Deposition served on Defendants Pacific Northwest
19 Software, Inc. December 29, 2006.

20 6. Attached hereto as **Exhibit E** is a true and correct copy of a Subpoena Duces
21 Tecum served on Defendant David Gucwa on February 22, 2007.

22 7. Attached hereto as **Exhibit F** is a true and correct copy of Plaintiff and
23 Counterclaim Defendants' Initial Disclosures Pursuant to Fed. R. Civ. P. 26(a), served in a related
24 action ConnectU v. Facebook Civil Action No. 1:04-cv-13923 (DPW) on April 7, 2005.

25 8. Attached hereto as **Exhibit G** is a true and correct copy of Section 1.01 from the
26 2006 Restatement (Third) of Agency by the American Law Institute.

1 I declare the foregoing is true and correct to the best of my knowledge.
2 Executed this 13th day of February, 2008, at Menlo Park, California.
3
4

5 _____
6 _____
7 _____
8 _____
9 _____
10 _____
11 _____
12 _____
13 _____
14 _____
15 _____
16 _____
17 _____
18 _____
19 _____
20 _____
21 _____
22 _____
23 _____
24 _____
25 _____
26 _____
27 _____
28 _____

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on February 13, 2008.

Dated: February 13, 2008.

Respectfully submitted,

/s/ Yvonne Greer /s/

Yvonne Greer